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MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

EXAMINER

ABRAMS, NEIL

ART UNIT PAPER NUMBER

2839

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/823239

Applicant(s)

Examiner

Abrams

Group Art Unit

2839

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-30 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-6, 11-14, 19-30 is/are rejected.
- ☒ Claim(s) 15-18, 7-10 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 sheets
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2839

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Drawings objected to, latch 64 engaged to strap 50 is not clearly shown. A view like that of Almond, fig. 3, should be added to clearly depict such feature.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Terms "the strap" lack antecedent basis. Claim 14, should "modules" be --module--.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Welch.

Art Unit: 2839

Note inserts 20 with recessed retention members 24a, 24b.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Welch in view of Barna and Orlando.

The inserts 20 do not include designation figures. These are shown by Barna and Orlando. Obvious to add colors or other indicia to Welch parts 20 to provide information to users.

Claim 30 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lane.

See figs. 1, 11, outlet box 2, cover plate 400, cable connector 390, 380 combined with flexible tab 382, the cover including means integral (held by) therewith for helping to retain the cable connector in the outlet box. Should issues arise recited features considered obvious changes.

Claims 1, 2, 4, 5, 6, 11, 12, 13, 14, 19, 20, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Germany 8708237 in view of Lane, Strang, Barna and Orlando.

Germany, see figs. 2, 6 discloses a cover assembly for an outlet box having an insert piece 34 shown to have recessed retention parts at its ends and a cover plate 6 with an aperture for receiving a middle part of the insert and that when mounted appears to abut the front surfaces of the retention members. Abutment of similar parts shown by Strang at 38, 66. Obvious to form Germany inserts and cover for such abutment. This would provide a rigid assembly. The cover plate is not shown to include a fastener hole. Lane, fig. 3 uses fastener holes to mount an outlet

Art Unit: 2839

box cover. Also obvious to use such holes in the Germany device to enable the cover to be easily mounted to structure 2. Claim 2, the inserts 34 (fig. 2) include apertures for receiving connectors. For claim 5, note use of two inserts 34. The cover "three apertures" are read as a single aperture with dividers. For claim 6, frame 2 is read as a strap with support for connector 33, 5.

For claims 4, 11, etc, the insert is not shown with indicia. Barna and Orlando disclose use of use inserts with colors or symbols. Obvious to use such features on the Germany inserts 34 to provide notice to the user. For claim 28, parts 1, 2 are read as an outlet box, 6 as cover plate, 5 as connector 34 as insert piece. While 33, 5 are not discussed, obvious that they could be cable connector like those of Barna at 20, 24 or those of Lane. Claim 29 reads on Germany fig. 2 with 5 formed as connector accessible through aperture in 34.

Claim 30 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Garthwaite.

The patent assembly, (see figs. 1, 4, 10) includes outlet box 12, cover plate 14, cable connector 132, flexible tabs 142, 152 and means formed integrally with (held by) the cover, figs. 4, 7 for helping to retain the connector 132 in the outlet box 12. The tab appears to include a ramped lip since rounded. Should issues arise, recited features considered obvious variations. For example, use of ramp lips on 142, 152 is also considered use of standard feature; see ramped protrusions 84, fig. 15.

Art Unit: 2839

Claims 1, 2, 4, 5, 6, 11, 12, 28 and 29 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lane alone or in view of Orlando and Barna.

Claim 1 note insert piece 380, fig. 1, with retention members (flangers), see fig. 11, that about a back side of cover plate 400. Should issues arise recited features considered obvious variations. For claim 4, piece 380 lacks indicia. Use of indicia shown by Orlando and Barna. Obvious to add such indicia to insert 380 to provide data to users. Claim 5 features met by use of inserts 380, 300 or of two 300 type inserts. For claim 6, box 2 is read as a strap since elongated and with elongated apertures 12, 14. For claim 6, "outlet box" as inferentially recited does not avoid rejection. For other claims, above discussion is applicable.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Lane.

See insert 30 with recessed side edges.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lane in view of Barna and Orlando.

Obvious to add indicia to insert 380 in view of Barna and Orlando to provide data to users.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Almond in view of Graef.

Strap 2 with parts 28, 3, 4 forms a cover for box 1. The strap includes an aperture for connector 28 and recessed shelves at 34, 53. Also obvious to form strap 2 with slots for tabs 46 or 60 in view of slots 80, 81 of Graef.

Art Unit: 2839

This would enable the tabs to be well fixed to the strap.


Note that any of parts 28, 3 or 4 are readable as inserts. Claim 27, limitations do not define over single mounting aperture.

Claims 21-23 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Strang.

Parts 12, 24 are together read as an insert piece with middle member 30, retention members 44, 44 and tabs 26. Should issues arise recited features deemed obvious variations.

Claims 7-10 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to N. Abrams at telephone number 308-1729.

  
NEIL ABRAMS  
EXAMINER  
ART UNIT 322

Abrams/ek

09/30/03